

REMARKS

Claims 1-13 are all the claims pending in the application. New claims 12 and 13 are added via this amendment.

SPECIFICATION:

The disclosure is objected to because of an informality on page 5 of the specification, line 3 of paragraph [0015]. The paragraph has been amended to address the informality and the objection should be withdrawn.

CLAIM OBJECTIONS:

Claim 2 is objected to because “whereinthe” should be - wherein the --. Claim 2 has been amended accordingly. Withdrawal of the rejection is requested.

35 USC § 102:

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by either Kageyama et al. (US 2001/0011616 [hereinafter “Kageyama”) or Christenson (U.S. Pat. No. 2, 792,716). Applicants respectfully traverse the rejection in view of the following remarks.

Both Kageyama and Christenson fail to disclose the features of claim 1. Applicants thank the Examiner for the courtesies extended during the teleconference of November 23, 2004, where he indicated that the “L” shaped element positioned between the oil groove 26 and the clutch member 71 in Kageyama; and the drum 81 of Christenson, are applied against the claimed

shielding member. It is respectfully submitted that these elements do not disclose the claimed shielding member, which will become more apparent in view of the following remarks.

Claim 1 describes that the pump casing is provided with an oil drain passage connecting the oil reservoir with the mission case. Claim 1 also describes a shielding member that is interposed between an opening of the oil drain passage to the mission case and at least part of the transmission mechanism to shield the at least part of the transmission mechanism.

The claimed features provided beneficial aspects not provided by the applied art. As one skilled in the art will appreciate, the oil reservoir of Kageyama is “D,” as shown in the Attached Appendix A. The applied oil groove 26 of Kageyama does not connect to the oil reservoir “D” and accordingly does not disclose the claimed oil drain passage connecting the oil reservoir with the mission case. It is instead the oil drain passage “E” that connects to the oil reservoir “D.” By way of explanation, and not limitation, an exemplary oil drain passage of the present invention is represented by element 59, which will be appreciated as being different from the oil groove 26 of Kageyama.

Furthermore, the “L” shaped element of Kageyama is not positioned between the transmission mechanism of Kageyama (e.g., clutch outer member 70) and the oil drain passage “E” that connects to the oil reservoir “D.” The “L” shaped element therefore cannot shield oil that is discharged from the oil drain passage “E” and does not disclose the claimed shielding member. Instead, oil that is discharged from the oil drain passage “E” is stirred by the clutch outer member 70, and is not afforded the beneficial aspects provided by the present invention.

It is respectfully submitted that Christenson also does not disclose each of the claimed features. For example, the claimed shielding member is interposed between an opening of the oil drain passage to the mission case and at least part of the transmission mechanism to shield the at least part of the transmission mechanism. The drum 81 of Christenson does not disclose the claimed shielding member and cannot solve the problem addressed by the present invention. This is because Christenson describes that the drum 81 is connected to the torque converter driven member 72 and is rotated in accordance with the rotation of the torque converter driven member 72 (see col. 10, lines 38-42.) Therefore, oil that is discharged from the drain passage 87 is stirred by the drum 81. The drum 81 does not provide a shielding member for a transmission mechanism because the drum 81 is a transmission mechanism, and is left without a shield.

Applicants therefore submit that Kageyama and Christenson fail to anticipate claim 1, such that the rejection under 35 U.S.C. § 102(b) should be withdrawn. The rejection of claim 8 should also be withdrawn at least by virtue of claim 8 depending on claim 1.

35 USC § 103:

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Kageyama or Christenson in view of Snow et al. (U.S. Pat. No. 5,267,840 [hereinafter "Snow"]).

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama or Christenson in view of Industriewerk Schaeffler (IS) (DT 2 305 476).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama or Christenson in view of Snow, and in view of Industriewerk Schaeffler.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/623,503

Attorney Docket No.: Q76108

Applicants respectively traverse the rejections under 35 U.S.C. § 103(a) in view of the following remarks.

Applicants submit that claims 3, 4, 7, 10 and 11 are patentable over the applied references at least by virtue of their respective dependencies on amended claim 1 because the secondary references (i.e., Snow and Industriewerk Schaeffler) fail to make up for the deficient teachings of Kageyama and Christenson in regard to claim 1. Further, one skilled in the art would not have been taught or suggested the features of claim 1 in light of Kageyama and Christenson, or the combinations including Snow and Industriewerk Schaeffler. The rejection of claims 3, 4, 7, 10 and 11 is respectfully requested to be withdrawn.

NEW CLAIMS:

Applicant adds new claim 12 and 13 to obtain more varied protection for the invention. These claims are deemed allowable over the applied art due to their respective dependencies on claim 1, in addition to their individual recitations.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/623,503

Attorney Docket No.: Q76108

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

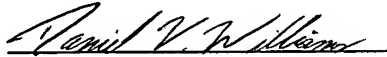
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Daniel V. Williams
Registration No. 45,221

Date: December 30, 2004